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Chairman: Mr. Belinga-Eboutou ..... (Cameroon)
later: Ms. Londoño (Vice-Chairman) ..... (Colombia)

Contents

Agenda item 112: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*)

Agenda item 116: Right of peoples to self-determination (*continued*)

Agenda item 117: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*)

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The meeting was called to order at 10.15 a.m.

Agenda item 112: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/C.3/58/L.39, L.40 and L.41)

Draft resolution A/C.3/58/L.39: Office of the United Nations High Commissioner for Refugees

1. **Mr. Neustrup** (Denmark), introducing the draft resolution, said that Andorra, Colombia, Egypt, Georgia, Guatemala, Guinea-Bissau, Madagascar, Malta, Namibia, Nigeria, Republic of Moldova, Rwanda and Zimbabwe had joined the sponsors. The purpose of the draft resolution was to reaffirm the support of the General Assembly for the work of the United Nations High Commissioner for Refugees and to allow the Assembly to provide policy directives on the essential aspects of that work, while recalling the shared responsibilities of States.

2. **The Chairman** said that Algeria, Azerbaijan and Kazakhstan had also joined the sponsors of the draft resolution.

Draft resolution A/C.3/58/L.40: Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

3. **Ms. Khalil** (Egypt) said that, with a view to solving refugee problems, the draft resolution contained a proposal to increase the membership of the Executive Committee of the Programme of the High Commissioner for Refugees from 64 to 66 States. Cameroon, Nigeria and Sudan had joined its sponsors.

Draft resolution A/C.3/58/L.41: Implementing actions proposed by the United Nations High Commissioner for Refugees to strengthen the capacity of his Office to carry out its mandate

4. **Mr. Neustrup** (Denmark), introducing the draft resolution, said that Andorra, Australia, Azerbaijan, Greece, Japan, Liechtenstein, Luxembourg, Malta, Republic of Korea, Republic of Moldova, Spain, Switzerland, Ukraine and Zambia had joined the sponsors. The draft resolution reflected the conclusions adopted on the outcome of the UNHCR 2004 process, including actions that required the endorsement of the General Assembly. In conformity with the humanitarian nature of the Office's work, he hoped that the resolution would be adopted by consensus. He also drew attention to a number of editorial changes that would be reflected in the final version of the text.

5. **The Chairman** said that Afghanistan, Bosnia and Herzegovina, Bulgaria, Congo, Côte d'Ivoire, Croatia, Iceland, Morocco, Panama, Romania, Sierra Leone, Slovakia, Slovenia, Thailand, the former Yugoslav Republic of Macedonia, Togo, and Tunisia had joined the sponsors of the draft resolution.

Agenda item 116: Right of peoples to self-determination (*continued*) (A/C.3/58/L.32)

Draft resolution A/C.3/58/L.32: Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

6. **Mr. Amorós Núñez** (Cuba), introducing the draft resolution, said that China, the Democratic Republic of the Congo, Egypt, Ethiopia, Guinea-Bissau, Lesotho, Malawi, the United Republic of Tanzania and Zimbabwe had joined the sponsors. Paragraph 11 of the draft text should read: "*Takes note with appreciation* of the proposal of an enhanced legal definition of mercenaries contained in the report of the Special Rapporteur of the Commission on Human Rights, and requests the Secretary-General to circulate it to the Member States and to seek their views to include them in the report to the General Assembly at its fifty-ninth session as additional contributions to the discussion preceding the review of amendments to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;".

7. In the current international context, it was more important than ever for the international community to support the mandate of the Special Rapporteur.

8. **The Chairman** said that Côte d'Ivoire, Ghana, Namibia and Zambia had joined the sponsors of the draft resolution.

Agenda item 117: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/58/118 and Corr.1, 121, 181 and Add.1, 185 and Add.1 and 2, 186, 212, 255, 257, 261, 266, 268, 275, 276 and Add.1, 279, 296, 309, 317, 318, 330, 380, 533, A/C.3/58/9)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/58/219, 448, 127, 427, 379, 334, 218, 338, 534, 325, 393, 421 and A/C.3/58/6)

(e) Report of the United Nations High Commissioner for Human Rights (*continued*) (A/58/36)

9. **Mr. Amor** (Special Rapporteur on freedom of religion or belief), introducing his report on the elimination of all forms of religious intolerance (A/58/296), said that the report addressed issues relating to prevention, intolerance and discrimination based on religion or belief. It was difficult to begin a serious inter-religious dialogue because of the persistent fear of the other. Education as a means to combat intolerance had not yet been used to its fullest advantage by the international community.

10. The report also indicated that freedom of religion or belief was still subject to restriction under the law for various reasons and that religious minorities remained vulnerable. Discrimination against women for reasons based on religion or tradition, or attributed to them, persisted. Action to combat terrorism since 11 September 2001 had also led to restrictions on freedom of religion, often because of inflammatory reports in the sensationalist press.

11. Religious extremism had received a great deal of attention since the beginning of his mandate in 1993. It must be acknowledged that, after a decline in the late 1990s, such extremism had recently undergone a renewal, particularly as it concerned Islam. Associating extremism and fanaticism with Islam and calling it the axis of evil actually helped the cause of Islamic extremists who expressed themselves only through violence. By peddling simplistic illusions and paternalism they could conquer and dominate the Islamic world. The desire to brand Islam pathological and an axis of evil would offer legitimacy to the extremists who used religion merely as a pretext for their actions.

12. **Mr. De Stefani Spadafora** (Italy), speaking on behalf of the European Union, asked what would be the most suitable way to develop a culture of tolerance and to support human rights-based education in the short term. He would also appreciate further details concerning the difference between the limitations to freedom of religion or belief which it was possible to adopt under particular circumstances, as foreseen in article 18, paragraph 3, of the International Covenant on Civil and Political Rights, and the non-derogable nature of the right to freedom of religion or belief under article 4 of the Covenant. The Special Rapporteur's report referred to the possible negative role played by the media in creating a misleading image of certain religious communities; he asked for examples of best practices at the national level and the possible role of national human rights institutions in that respect.

13. **Mr. Amor** (Special Rapporteur on freedom of religion or belief) said that intolerance could be managed by rules and repression, but education was the best means of prevention. Education regarding tolerance took place in the family, religious institutions, society and political life, in addition to the schools, but the educational system was the most important means of delivering such lessons, and he had thus chosen to focus on education. Schools were under the control of individual States and the international community had little ability to intervene, yet they were often where intolerance was first taught. UNESCO had developed many programmes to teach tolerance in schools, but it needed the support of the entire international community to spread that message. Of course, parents were the first teachers, and their openness to the "other" would be communicated to their children. Religious education was not usually geared to an appreciation of the "other", as every religion believed that it held the truth.

14. Both article 18 of the International Covenant on Civil and Political Rights and the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief of 25 November 1981 made a distinction between freedom of religion and freedom to manifest one's religion. Freedom of religion was an absolute freedom, which could not be limited or derogated from; therefore, neither domestic nor international measures

justified by the fear of terrorism could affect freedom of religion. Article 4 of the Covenant stipulated that States could subject the rights provided in conformity with the Covenant to such limitations as were determined by law. In principle, that appeared to contradict article 18. However, as stated in the Human Rights Committee's General Comment No. 22, article 18 distinguished the freedom of religion or belief from the freedom to manifest religion or belief. No derogation was permitted from freedom of religion whereas manifestations of religion or belief could be limited by law and in certain circumstances.

15. Not all media created a misleading image of certain religious communities. Generally, the quality press presented a sufficiently broad viewpoint to promote freedom of religion; nevertheless, in almost all States there was a certain sector of the media which made use of generalizations and stereotypes to promote religious intolerance and discrimination in violation of both domestic and international laws. For example, article 20 of the International Covenant on Civil and Political Rights prohibited any advocacy of religious hatred. However, it was not easy for the public or the courts to attack journalists as freedom of expression was almost sacrosanct and it was politically unwise for the legislature or the judiciary to attack the media. Nonetheless, freedom of expression was not an absolute; it merited full protection but should have limitations. It might be expected that codes of ethics would resolve the situation, but they were hardly ever used. The popular press catered to a certain sector of the public and, in order to protect freedom of expression and deal with excesses, the international community would have to propose that it raised its level and lowered its tone, which would evidently lead to lower sales and be unacceptable. Fortunately, there was a sector of the media that promoted tolerance and non-discrimination as did the schools of journalism, but there was still a need for the international community to intervene.

16. **Mr. Andrabi** (Pakistan) said that the Special Rapporteur's report listed cases where members of religious minorities had been attacked and killed in his country. However, Pakistan considered such attacks to be acts of terrorism, rather than acts of religious intolerance committed by a majority religion against a minority. A distinction should be drawn between acts of terrorism and the oppression of minorities. If there was a general intolerance of minority religions among the members of the majority religion, that should obviously be condemned; but terrorism that targeted one religious community should not be considered religious intolerance.

17. His Government was aware of the dangers of terrorism that targeted religious minorities and had instituted police reforms and initiated a press campaign to promote good relations between the different religious communities. In his region, there was a longstanding campaign of religious intolerance. Muslim communities were constantly under attack, and at least 2,000 Muslims had been killed in 2002. Religious sites were also under threat and, in India, it had been publicly announced that if 3,000 mosques were not handed over to the majority religious community they would be razed to the ground in order to erect temples. He asked that such incidents should be mentioned in the report.

18. **Mr. Vigny** (Switzerland) said that, in the conclusions and recommendations to the Special Rapporteur's report a distinction appeared to be made between the permitted limitations to the freedom of thought, conscience and religion guaranteed by article 18 of the Covenant and the formal prohibition against derogating from that freedom during a state of emergency, for example in the context of action to combat terrorism. Switzerland supported the Special Rapporteur's appeal to respect that distinction.

19. His delegation supported the Special Rapporteur's recommendation that registration procedures for religions should be specified by law and not just in a simple administrative regulation, and that any refusal to register should be subject to judicial review.

20. **Ms. Dempster** (New Zealand), referring to discrimination and violence against women based on religious intolerance, asked the Special Rapporteur to describe his main concerns in that area and to outline how States could combat such occurrences.

21. **Mr. Amor** (Special Rapporteur), responding to the representative of Pakistan, said that he could not provide a definition of terrorism because it was a very fluid concept. It was possible to draw up an arbitrary list of terrorist acts and also to identify factors that could lead to terrorist acts, which included religion. Both Security Council resolution 1373 (2001) and the relevant international conventions were vague about the definition of terrorist acts, which had led some

States to try to outrival each other in combating terrorism. States' reports to the Counter-Terrorism Committee showed that the concept was almost limitless. Since 2002, the Human Rights Committee had given great importance to the question and when it found instances of specific counter-terrorism legislation, it had expressed certain concerns. Action to combat terrorism was frequently conducted at the expense of the fundamental human rights. It was possible to draw up an agreed list of terrorist acts, but the causes of such acts were multiple, circumstantial and, frequently, political. The problem of intolerance and acts of violence against religious minorities was an extremely sensitive one and probably merited a specific report each year.

22. He appreciated the support of the Swiss delegation. It would be desirable to disseminate more widely the concepts of limitation and derogation and also the Human Rights Committee's General Comments No. 22 on article 18 and No. 29 on article 4.

23. The registration of religious minorities or groups could have some legitimacy, which was lost when it was used as an instrument to limit religion and belief. States affirmed, on principle, that they fully recognized freedom of religion, but in practice they posed certain conditions to obstruct the exercise of that freedom. Since 11 September, registration had become very difficult owing to fears of terrorism or connections to terrorism. In recent years there had been an explosion of religious or quasi-religious movements and some States used registration as a means of restricting the entry or spread of such groups. In brief, registration should be allowed, but not as a way of limiting freedom of religion.

24. With regard to the issue raised by the representative of New Zealand, frequently the interpretation made by men of religion or tradition in a specific religious context was used to justify discrimination against women. Likewise, there were instances where communities returned to anti-religious traditions or traditions that were allegedly justified by religion. In the context of his mandate, he had published a study two years earlier on the situation of women with regard to religion and tradition, which looked at the whole issue from a human rights viewpoint; he recommended that the study should be consulted for further information on the subject.

25. **Mr. Afaei** (Islamic Republic of Iran) said that the Special Rapporteur on freedom of religion or belief had made one visit to Iran some years previously and that the Government had recently invited him to return.

26. In a recent meeting with the Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance, the latter had agreed that there were limits to freedom of expression, which was one of the most important of all human rights, but which could have negative consequences when unrestricted. Iran had suggested that Governments might be helped to comply with their obligations under international human rights law if the Special Rapporteur developed guidelines for the international community on how freedom of expression could be protected while its negative consequences were prevented.

27. In paragraph 48 of the report, the Special Rapporteur reminded a Government of its responsibilities regarding the need to confront Islamophobia and Arabophobia and stressed the urgent need for Muslims and followers of other religions to respect international legal norms. Individuals and groups might violate human rights, but in his understanding it was the State that incurred responsibility for non-compliance with the international instruments and it was the obligation of the State to implement the provisions of article 18 of the Covenant.

28. **Mr. Xie** Bohua (China) said that the part of the report referring to the situation in China raised the issue of Falun Gong. His delegation wished to reiterate that Falun Gong was not a religion, but rather a cult. It used religious language in its propaganda. Its activities had caused physical and psychological harm to the population in general, particularly women and children. The Chinese Government had contacted the Special Rapporteur many times in that connection and hoped that he would take their comments on that issue into account.

29. *Ms. Londoño (Colombia), Vice-Chairman, took the Chair.*

30. **Mr. Amor** (Special Rapporteur) said that he had taken both the allegations by Falun Gong members and the replies of the Chinese Government into account in his report. The question of whether Falun Gong was a religion or not was open to discussion, there being no internationally recognized definition of a religion, but he had to approach his mandate from the perspective of

the human rights enshrined in international law, which covered not only freedom of religion but also freedom of belief. Beliefs included not only religious beliefs but also the beliefs of agnostics, atheists and people opposed to religion. The State was responsible not for a person's beliefs but for applying the law if those beliefs led that person to commit a punishable act. It was not for the Special Rapporteur to pass judgement on people's beliefs: his only concern was with their human rights, and he would continue to send any allegations of abuses he received to the Government concerned.

31. In reply to the comments by the representative of the Islamic Republic of Iran, after thanking him for the invitation to revisit his country, he said that freedom of expression itself was not at issue. Rather, it was the need to deal with excesses in its exercise, whether committed by a group, an individual or a Government. Under international law, a State was responsible for human rights violations that took place within its territory or jurisdiction and was required to take steps to prevent them. He suggested that it would be useful to have an objective study carried out on the subject, perhaps jointly by the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

32. **Mr. van Boven** (Special Rapporteur of the Commission on Human Rights on the question of torture and other cruel, inhuman or degrading treatment or punishment), introducing his report (A/58/120), said that he was deeply troubled that considerations of expediency and presumed higher interests were eroding the consensus on the principle that torture and other cruel, inhuman or degrading treatment or punishment were absolutely prohibited and that their prohibition was an imperative norm of international law. That principle was being undermined by the frequent resort in some States to prolonged incommunicado detention, the dilution of the notion of what constituted torture and ill-treatment, the creation of legal and jurisdictional limbos or human rights no-man's lands and the deportation or transfer of suspects to places where there were substantial grounds for believing that they would be in danger of being subjected to torture. Many such practices were related to counter-terrorism measures, but, as Special Rapporteur, he had to insist on the non-derogable nature of the prohibition of torture and other cruel, inhuman or degrading treatment or punishment under all circumstances.

33. His report highlighted the role of the human rights treaty-monitoring bodies and regional organizations and dealt with the trade in equipment specifically designed to inflict torture and other cruel, inhuman or degrading treatment or punishment and with the prevention of torture and all forms of ill-treatment in psychiatric institutions. He believed that the early entry into force of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment would contribute greatly to improved compliance with the Convention. The report also discussed the issue of reparations for victims of torture, who often lacked access to justice and to effective remedies and had to deal with authorities who were unwilling to investigate or acknowledge torture practices. In that context, the draft basic principles and guidelines on the right to a remedy and reparation for victims of violations of human rights and humanitarian law could provide a much-needed instrument for rendering reparational justice to torture victims; a recent consultative meeting held on that subject in Geneva, with the participation of Governments and intergovernmental and non-governmental organizations, had made substantial progress towards their acceptance.

34. The number of urgent appeals sent to Governments in an effort to clarify the situation of individuals whose circumstances gave grounds for fearing that they were being subjected to, or were in imminent danger of being subjected to, treatment amounting to torture continued to rise. Such circumstances included incommunicado detention, prolonged solitary confinement, lack of medical care while in detention and the imminent risk of corporal punishment or deportation to a place where the individual was at risk of being tortured or ill-treated. Between 15 December 2002 and 1 November 2003, in addition to the 302 urgent appeals he had sent out, he had sent 152 "allegation letters" to Governments requesting the authorities to investigate allegations of torture or ill-treatment, prosecute perpetrators or award reparations to victims. He stressed that both procedures required the effective cooperation of Governments, and pointed out that in the same period he had needed to send 71 reminders to Governments. He also stressed that no matter how wrongly, dangerously or even criminally a person might have acted, every human being was legally and morally entitled to the protection of their internationally recognized human rights and fundamental freedoms. That principle applied a fortiori

insofar as the prohibition of torture and other cruel, inhuman or degrading treatment or punishment was a non-derogable right.

35. He had carried out missions to Uzbekistan and Spain since his previous report to the Third Committee and visits to China, Bolivia, Georgia and Nepal were under consideration. However, his requests for visits to Algeria, Egypt, Equatorial Guinea, India, Indonesia, Israel, the Russian Federation, Tunisia and Turkmenistan had not yet been agreed to.

36. **Mr. De Stefani Spadafora** (Italy), speaking on behalf of the European Union, noted the Special Rapporteur's concern that national laws on reparation for torture victims were inadequate, not to say non-existent. He would be interested to know the Special Rapporteur's views on the prospects for improving that situation. He would also like to know whether the Special Rapporteur had discussed the problem with the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture and whether, in the Special Rapporteur's view, coordinated action might not pressure Governments into taking action. With regard to equipment specifically designed to inflict torture, he would like to know what kind of international control mechanism the Special Rapporteur thought could be set up to deal with the trade in such equipment. Lastly, he asked whether the Special Rapporteur could elaborate on the claim that the situation of persons interned in psychiatric institutions was not always consistent with the principles adopted by various international organizations (report, paras. 36-38).

37. **Mr. Vigny** (Switzerland) said he agreed with the Special Rapporteur that no derogation from the prohibition of torture and other cruel, inhuman or degrading treatment or punishment was permitted in any circumstances whatsoever, and called on the Special Rapporteur to pay particular attention to groups such as migrants, refugees and human rights defenders who were particularly vulnerable to discriminatory action carried out in the guise of anti-terrorist measures. With regard to the study of the trade in equipment specifically designed to inflict torture, it was regrettable that so few Governments had responded to the questionnaire on the subject: he wondered whether it might not be a good idea to consult with the Human Rights Committee and the Committee against Torture on the need to set up mechanisms to combat that trade. He also wondered whether an exhaustive list of such equipment might not enable Governments to monitor producers and users, with a view to banning its trade.

38. **Mr. Owade** (Kenya) asked what steps the Special Rapporteur took to ensure that the allegation letters he sent out were relevant to the current situation in a country: it seemed that they often referred to events that had taken place many years in the past.

39. **Ms. Verrier-Frechette** (Canada) asked whether the Special Rapporteur had any suggestions for issues that could be usefully brought up at a forthcoming workshop on human rights and counter-terrorism that was being organized within the framework of the Organization of American States.

40. **Mr. Lukyantsev** (Russian Federation) said that his Government was fully committed to working with the special procedures of the Commission on Human Rights, but stressed that such cooperation was a voluntary matter. It was unfortunate that the two Special Rapporteurs who had introduced their reports at the meeting had appeared to suggest that a State that did not host a visit from them was not cooperating with them.

41. **Mr. van Boven** (Special Rapporteur), replying to the questions asked by the representative of Italy, said that reparational justice was a broad concept that covered not only financial compensation for torture victims but also rehabilitation and guarantees that torture practices would not be repeated. Even the knowledge that the practices were being investigated was a source of satisfaction to victims. As he had mentioned in his introduction, steps were already being taken at the international level to enhance reparational justice, and he hoped that the Commission on Human Rights would endorse, at its next session, the draft basic principles and guidelines he had mentioned, since their widespread application could give victims greater access to justice. In addition, for the first time in the field of international criminal justice due attention was being given to the rights and interests of victims, in the Rome Statute of the International Criminal Court.

42. As Special Rapporteur, he was particularly concerned with reparational justice, and cooperated closely with the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture. At the same time, he attended the sessions of the Committee against Torture, which dealt with that and many other issues that arose in connection with the Convention

against Torture. The action taken by the three mechanisms could be seen as complementary.

43. With regard to mechanisms to control the trade in equipment specifically designed to inflict torture, it would first be necessary to agree on a list of such equipment, since torture could be applied with all kinds of ordinary objects. The list drawn up by the European Union for a draft regulation could be studied as a first step, although it need not necessarily be taken as a model for an international mechanism. He was not sure whether the Commission on Human Rights and the Committee against Torture had the necessary expertise to produce such a mechanism and suggested that a study of United Nations instruments dealing with the control of trafficking in drugs, human beings and human organs might yield some useful ideas on the subject.

44. He had devoted a great deal of space in his report to psychiatric institutions. His recent visit to one such establishment had confirmed how important it was that the sole determinant of committal should be mental-health status and not political or other affiliation. There must also be firm judicial control of the legality of such detentions, periodic reviews of the inmates' status, and an independent monitoring body composed of health practitioners.

45. He appreciated the point made by the representative of Kenya regarding long-standing allegations. While he had recently attempted to establish 1 January 2000 as the earliest date for allegations, it had to be acknowledged that old patterns sometimes persisted and some acts initiated long before sometimes continued. Torture was not time bound. Regarding suggested themes for the workshop of the inter-American system, he recommended that the Organization of American States to look into the four issues he had cited as factors that undermined the absolute prohibition of torture and inhuman and degrading treatment.

46. While concurring that Commission on Human Rights mechanisms were not binding but were complied with only through the crucial cooperation of States, he stressed that the duty to cooperate was a fundamental principle of the Charter of the United Nations, without which no international organization could function effectively. It was therefore unhelpful of the Russian delegation to argue that cooperation must be voluntary, especially in the matter of a right from which no derogation was permitted and which was governed by an imperative norm of justice and international law. While urging all States to cooperate, he acknowledged that, except in the case of enforcement action by the Security Council, no United Nations organ could operate in a State's sovereign territory without that State's consent. Some 50 States had already extended standing invitations to the Special Rapporteur, and he trusted that any request from him to visit a State would be considered in full awareness of the importance of its cooperation with the special mechanisms.

47. **Mr. Deng** (Representative of the Secretary-General on internally displaced persons), introducing his report (A/58/393), said that, despite the considerable progress made by the international community, there were still too many internally displaced persons worldwide deprived of basic necessities and subject to violence and discrimination. Awareness of the crisis had greatly increased, as had the consensus that it was an issue of legitimate and pressing concern for the entire international community. The issue had been a sensitive one ten years previously when the Representative's mandate had been created, with some Governments fearing that it might provide a pretext for interference with State sovereignty. Those concerns had been significantly mitigated with his reassurance to Governments that his was a merely catalytic role to promote international cooperation and help them provide protection and assistance for such persons under their jurisdiction.

48. The Guiding Principles on Internal Displacement (E/CN.4/1998/Add.2), based on existing international humanitarian, human rights and analogous refugee law, had been well received by United Nations and other agencies, civil society and Governments, some of which had found them to be a useful guide for developing their own internal displacement policies and laws. Although some Governments had expressed concerns that the Guiding Principles had not been formally negotiated by States, consensus behind them had broadened considerably through ongoing dialogue. While growing acceptance of the Guiding Principles was vitally significant, the development of international mechanisms for helping States discharge their responsibilities was equally important.

49. The preferred response to that task had been the "collaborative approach" whereby existing humanitarian and development agencies and

organizations collectively addressed the needs of internally displaced persons within their various mandates and in the light of their comparative advantages. The designation of resident and humanitarian coordinators as the officials to coordinate measures in favour of internally displaced persons and of the Emergency Relief Coordinator as the focal point for internal displacement issues at headquarters, and the creation of the Unit of Internal Displacement within the Office of the Coordinator for Humanitarian Affairs had been instrumental in solidifying that approach.

50. Nevertheless, serious coordination problems persisted, and many internally displaced persons slipped through the institutional cracks. Unresolved issues included how responsibilities were assigned and how to ensure appropriate accountability mechanisms. Despite the growing willingness to find answers, the shortcomings called for immediate and efficient action by the international community.

51. He had undertaken 28 country missions during his ten-year mandate — seven of them since he had last reported to the Committee — which had served as the litmus test of the effectiveness of both national and international responses to the crisis and had given him a first-hand view of the deprivation and degradation that displacement inflicted on human dignity. Those visits had been successful in promoting the constructive dialogue that was crucial to finding solutions, although follow-up to the visits could be more expeditious and some countries, precisely those where the needs of the displaced were greatest, did not allow access to those populations. He urged the international community to find a response to such situations.

52. He had benefited from the support of the Project on Internal Displacement of the Brookings Institution and the Johns Hopkins University School for Advanced International Studies (SAIS), which conducted and commissioned research on various aspects of internal displacement, organized national and regional seminars and cooperated with various organizations, individuals and research institutions throughout the world. He was grateful for the support of Governments and foundations, which had made the creative partnership between United Nations bodies and external resources possible.

53. The SAIS Project had assisted him in forging cooperation with a number of regional organizations, the latest being the Intergovernmental Authority for Development (IGAD), which had hosted a regional conference in Khartoum in September 2003. The conference had issued a Ministerial Declaration noting the utility of the Guiding Principles and identifying regional dynamics that aggravated displacement problems. It had committed member Governments to ongoing cooperation on the issue, including the creation of a displacement unit within the IGAD secretariat.

54. The most pivotal issue was the need to address the root causes of internal displacement, often embedded in gross inequities, discrimination and marginalization to an extent that made citizenship of value only on paper. The problem and the crises that generated it were alarm signals that offered opportunities for developing strategic remedies. It was not only a humanitarian or human rights issue, but a political and security one that posed a challenge to nation-building.

55. **Ms. Ahmed** (Sudan) said that her Government fully supported the work of the Secretary-General's Representative on behalf of internally displaced persons; the holding of the first regional conference on the subject in Khartoum attested to the Representative's interest in the problem as it manifested itself in her region. In the wake of the cancellation of the meeting in 2002, owing to the lack of IGAD resources, the United Nations and a German development agency, with the Representative's coordination, had provided special funding while the Sudanese Government had defrayed the remaining costs. That important meeting, in which Member States, United Nations agencies and non-governmental organizations had participated, had produced the Khartoum Ministerial Declaration, and Member States had been requested to follow up the Declaration and report on its implementation.

56. That having been said, her Government deeply regretted that it had not been notified, by UNICEF or any of the other entities involved, of the workshop held in southern Sudan in 2002 to study domestic issues with the Sudan People's Liberation Movement. Such behaviour contravened the traditional arrangements for holding seminars of that type; her Government reaffirmed the importance of the country's sovereignty and domestic laws and hoped that such an omission would not recur. Internal displacement was a sensitive topic and the seminar had been held in a critical area.

Consensus on the Guiding Principles could best be achieved through consultations with Governments.

57. **Mr. Gómez Camacho** (Mexico) said he agreed on the need to disseminate the Guiding Principles widely. In a spirit of cooperation, Mexico would be hosting a regional seminar for disseminating information on the Guiding Principles in the region in February 2004. The Representative's 2001 visit to Mexico had made a highly positive impact on the country. His appeal for cooperation by the authorities and the relevant non-governmental organizations, and his report and recommendations had proved useful to Government, enabling it, in particular, to render state and federal activities more flexible. The Government would continue to report to the Representative on the implementation of its policy in the light of his recommendations and to work towards broad dissemination of the Guiding Principles.

58. **Mr. Vigny** (Switzerland) said that the approach adopted had been useful; the Guiding Principles were now accepted as standard and used by many States in their quest for responses to their protection and assistance problems. His delegation shared the Representative's view that there was a gap between standards and the difficult situation of many displaced persons on the ground. A more resolute commitment by the countries concerned, with more support from the international community, was vital. In particular, he would like to see strengthened inter-agency coordination under the responsibility of the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, and he encouraged the Representative to work even more closely with the Secretariat on the basis of the memorandum of understanding signed in 2002. He asked what role the Representative envisaged for the Organization for Security and Cooperation in Europe (OSCE), especially in the light of the Rotterdam Declaration, in which its 54 member States had been asked to consider the endorsement of the Guiding Principles or the adoption of key aspects of them as OSCE commitments.

59. **Mr. De Stefani Spadafora** (Italy) said that the European Union, while recognizing that much remained to be done, commended the Representative on his remarkable work in many countries, his assessment of achievements and his identification of remaining challenges after 10 years of his mandate. It was encouraging that a growing number of States made use of the Guiding Principles as a standard for dealing with internally displaced persons. However, he wondered whether the Representative was satisfied with the level of awareness, among those responsible for dealing with internally displaced persons, of the normative standards for protecting them, and what plans the Representative had for enhancing internally displaced persons' knowledge of their rights. He would also like to know the Representative's assessment of cooperation among the relevant United Nations actors involved with internally displaced persons in the countries he had recently visited and the trends in that cooperation. He sought information on the current and future focus of the Representative's research, which was one of the four pillars of his mandate, and on the visits he planned for the near future.

60. **Mr. Israfilov** (Azerbaijan) said he was particularly grateful for the interest the report had shown in the internally displaced in Azerbaijan and pledged his country's cooperation and continued follow-up to the Representative's last visit. He asked to what extent regional organizations, especially those involved in the settlement of armed conflicts, had incorporated questions relating to the internally displaced into their agenda.

61. **Ms. Sylow** (Norway) said her delegation welcomed the Representative's report, which took stock not only of progress made in several areas but of the challenges that remained. Despite significant achievements during the 10 years of the Representative's mandate, not least in terms of the normative framework and dialogue with Governments, much remained to be done. The situation of the internally displaced was still bleak and their protection and assistance needs far from adequately met; there was a gap between theory and practice. She asked whether, in addition to the general ideas in the report, the Representative had specific thoughts on the areas that now called for the international community's attention in order to improve the immediacy of the response, the cooperative approach, and protection and assistance for the internally displaced on the ground.

62. **Ms. Fusano** (Japan), expressing her country's support for the Representative's activities, asked what relationship existed between United Nations agencies that provided assistance to the internally displaced and the Governments concerned, whether the Representative had noted any key points relating to

Government cooperation, and what difficulties the Representative had encountered.

63. **Ms. Davtyan** (Armenia) said her delegation was heartened by the cooperation that had developed between the Representative and her Government, in particular regarding its practical measures to implement the Representative's recommendations following his visit. With a view to strengthening that cooperation further, she asked whether it would be possible to place the coordination of their joint activities under the authority of the Armenian branch of the Office of the United Nations High Commissioner for Refugees.

64. **Ms. Boiko** (Ukraine) said that, at the 37th meeting of the Committee, the representative of Ukraine had made a statement referring to a joint declaration by a number of delegations on the seventieth anniversary of *Holodomor*, the Great Famine of 1932-33. According to an erroneous entry in the Journal of the United Nations the statement had been made on behalf of those delegations. However, the representative of Ukraine had spoken only on behalf of his own delegation. She requested that a correction should be made to the Journal.

65. **Mr. Nikiforov** (Russian Federation) supported the request for a correction to the Journal.

The meeting rose at 1.10 p.m.